

# PLANNING BOARD & PLANNING DEPARTMENT

## Fiscal Year 2014

### INTRODUCTION

This report summarizes the land use, planning, and zoning activities of the Amherst Planning Board and Planning Department during Fiscal Year 2014. In FY 14, in addition to the Planning Board, the Planning Department also provided principal staff support for the Zoning Board of Appeals, Design Review Board, Historical Commission, Local Historic District Study Committee and Local Historic District Commission, Town/Commercial Relations Committee, Amherst Redevelopment Authority, the Community Development Advisory Committee, the Housing and Sheltering Committee and Disability Access Advisory Committee. Please also refer to the Annual Report for each of those Boards and Committees for more information on their activities.

### CURRENT PLANNING

As in previous years development issues, permit applications, and Zoning Amendments (including amendments related to Master Plan implementation) occupied much of the time of the Board and Department during FY 14.

Table 1 provides a statistical review of the Department's activities, including the various permits it oversees, and zoning and other regulatory changes.

**Table 1**

#### Planning Board – Land Use & Zoning Activity

	<u># of Applications</u>
A. Review & Action	
1. Planning Board Special Permits	5
2. Form A (Approval Not Required) Subdivisions	16
3. Cluster Subdivision	2
4. Standard Subdivision	0
5. Subdivision Amendments	0
6. Subdivision Lot Releases	6
7. Subdivision/Site Plan Escrow Releases	0
8. Street Name Changes	0
9. Site Plan Review Requests	20
10. Sign Plans Approved/Signs Reviewed	3
11. Lighting Plans Approved	2
12. Revised Final and/or Landscape Plans Approved	2
13. Scenic Road Applications Reviewed	2
14. Ch. 61 Removals Reviewed	1
15. Ch. 61A Removals Reviewed	0
B. <u>Review &amp; Recommendation</u>	
1. Zoning Amendments	18
2. Rules & Regulations Amendments	1
3. ZBA Special Permits/Variations	41
4. Street Acceptances	0
5. Street Discontinuances	0

In addition to the reviews and actions noted above, the Planning Board heard presentations from representatives of UMass, Amherst College and Hampshire College about 10 projects proposed for land in the ED zoning district, under Section 3.3211 of the Zoning Bylaw. Land in the ED zoning district is owned by the local colleges and the University. Projects within this district are required to submit a plan showing the proposed improvements to the Planning Board.

Some of the more significant planning development proposals and issues of FY 13 included the following:

### **Residential and Mixed-use**

- Preliminary Cluster Subdivision Plan submitted for The Retreat at Amherst – a 136 lot Cluster Subdivision proposed to house 641 students in the Cushman section of North Amherst. The Planning Board held a public hearing on the Preliminary Subdivision Plan on December 4, 2013. After the public hearing and deliberation by the Board, the Planning Board voted 9-0 to recommend that 20 modifications be made to the plan and issues be addressed prior to submission of a Definitive Subdivision Plan.
- Definitive Cluster Subdivision Plan submitted for The Retreat at Amherst – a 136 lot Cluster Subdivision proposed to house 641 students in the Cushman section of North Amherst. The Planning Board hired a third party review consultant, Fuss and O'Neill, to analyze the plans and to advise the Board on technical and permitting aspects of the submission. The Planning Board held two public hearing sessions on the proposed subdivision, on July 30, 2014 and August 6, 2014 and received numerous letters in opposition to the proposed project. The applicant eventually submitted a request to withdraw the application and the Planning Board voted 8-0 to approve the request to withdraw without prejudice on September 17, 2014.
- Site Plan Review and Special Permit approval for a mixed use building with offices and 17 apartments, in the B-VC zoning district, at 417 West Street, in Pomeroy Village Center.
- Site Plan Review and Special Permit approval for an apartment-style dormitory building, in the R-F zoning district, with 75 units and associated site improvements at 57 Olympia Drive, known as Olympia Place.
- Site Plan Review and Special Permit approval for a mixed-use building with offices and 4 apartment, in the COM zoning district, at 68 Cows Road, in North Amherst Village Center, known as the Trolley Barn.
- Site Plan Review and Special Permit approval for a mixed-use building with offices/retail and 36 apartments, in the B-G zoning district, at 57 East Pleasant Street, in downtown Amherst, known as Kendrick Place.

### **Commercial/Institutional**

- Site Plan Review approval to change the use of a building from a car dealership and repair shop to a service building related to Amherst College for the Grounds Department at 40 Dickinson Street.
- Site Plan Review approval for a bakery with seasonal outdoor dining, at 48 North Pleasant Street, known as The Works Bakery Café.

### **Zoning Amendments**

The Zoning Subcommittee and Planning Department staff worked on eighteen (18) items related to Zoning during FY 14. Ultimately eighteen (18) items related to Zoning were reviewed by the Planning Board,

including sixteen (16) Zoning Amendments and two (2) Restrictive Covenants. Fourteen (14) items related to Zoning were brought to Town Meeting, of which two were “Restrictive Covenants” and twelve (12) were Zoning Amendments. Nine (9) of the items related to Zoning were adopted by Town Meeting, including eight (8) Zoning Amendments and one (1) Restrictive Covenant, two (2) were defeated, one (1) was dismissed and two (2) were referred back to the Planning Board for further study:

- Uses Allowed in Mixed-use Buildings (Planning Board) – Article 18, Fall 2013 Special Town Meeting Warrant, to amend Section 3.325, Building containing dwelling units in combination with stores or other permitted business or commercial uses – by changing the title of the section to “Mixed-use building” and by clarifying the range of non-residential uses permitted to co-occur with dwelling units in a mixed use building. Adopted by Town Meeting on 11/6/13.
- Dimensional Interpretation (Planning Board) – Article 17, Fall 2013 Special Town Meeting Warrant, to amend, reorganize and re-enumerate Section 6.1, Interpretation, in order to improve the organization of the section, to clarify the point of measurement on a building for front, side and rear setbacks, and to add a section regulating and interpreting Minimum or Maximum Floors. Adopted by Town Meeting on 11/6/13.
- Medical Marijuana (Planning Board) – Article 13, Fall 2013 Special Town Meeting Warrant, to add a new Section 3.360.4 and amend Article 12, Definitions, in order to create zoning regulations for medical marijuana facilities established under 105 CMR 725.000. Adopted by Town Meeting on 11/6/13.
- Affordable Duplexes (Planning Board) – Article 14, Fall 2013 Special Town Meeting Warrant, to amend Section 3.321, Two Family Detached Dwelling (Duplex) to add a new Section 3.3212 regulating affordable duplexes. Adopted by Town Meeting on 11/6/13.
- Mixed use Buildings (Petition) – Article 19, Fall 2013 Special Town Meeting Warrant, to amend the title of mixed-use building and to limit the range of non-residential uses currently allowed in mixed-use buildings to strictly business uses, reduce the number of dwelling units allowed by right in such buildings and to limit the geographic areas where that reduction applies to buildings abutting the R-N and PRP districts. Defeated by Town Meeting on 11/6/13.
- R-F (Fraternity Residence) Dimensions (Planning Board) – Article 15, Fall 2013 Special Town Meeting Warrant, to amend Section 3.326 and Table 3, Dimensional Regulations, to create separate dimensional regulations for student residential uses (fraternities, sororities, social dormitories, or similar uses) in Fraternity Residence (R-F) district and to accurately identify the permit granting body involved. Adopted by Town Meeting on 11/6/13.
- Permit Granting Bodies and Signs (Planning Board) – Article 16, Fall 2013 Special Town Meeting Warrant, to amend Section 7.9 and 8.41 to clarify which permit granting bodies have jurisdiction over the waiver of parking regulations and the permitting of directional or identification signs, and to add a Section 8.5 allowing modification or waiver of sign regulations. Adopted by Town Meeting on 11/6/13.
- Restrictive Covenant, 284 North Pleasant Street (Planning Board – Alternative Version) – Article 29, Annual 2014 Town Meeting – to see if the Town will vote to authorize the Select Board to accept a revised covenant governing the range of allowable uses on the Limited Business (B-L) zoned property at 284 North Pleasant Street by adding a range of medical, technical and professional office uses and educational uses. Adopted by Town Meeting on 5/14/14.

- Restrictive Covenant, 284 North Pleasant Street (Petition – Howard Ewert) – Article 30, Annual 2014 Town Meeting – to see if the Town will vote to authorize the Select Board to accept a revised covenant governing the range of allowable uses on the Limited Business (B-L) zoned property at 284 North Pleasant Street by adding a range of office and educational uses. Dismissed by Town Meeting on 5/14/14, at the petitioner's request.
- Accessory Home Business Uses (Planning Board) – Article 27, Annual 2014 Town Meeting – to see if the Town will amend Article 5, Accessory Uses, and Article 12, Definitions, in order to improve and clarify the regulations of home-based accessory business uses and related ancillary activities including parking, storage and hours. Defeated by Town Meeting on 5/12/14.
- Atkins Corners Rezoning (Planning Board) – Article 25, Annual 2014 Town Meeting – to amend the Official Zoning Map, by changing the zoning designation from Limited Business (B-L) to Village Center Business (B-VC) for parcels 25B-51, 25B-52, 25B-58, 25B-R1, 25B-R2, and portions of adjacent public ways in the Atkins Corners village center. Adopted by Town Meeting on 5/12/14.
- Inclusionary Zoning (Planning Board) – Article 24, Annual 2014 Town Meeting – to amend Article 4, Development Methods, Article 12, Definitions, and Article 15, Inclusionary Zoning, in order to expand the residential uses and developments required to provide affordable housing, selectively increase the rate of such housing to be provided, simplify density bonuses, re-organize inclusionary provisions of the Bylaw, and make other related changes.

The Planning Board considered submitting an alternative Inclusionary Zoning Amendment for the Warrant of the Special Town Meeting held on June 2, 2014. Ultimately the Planning Board recommended referral of Article 24, Inclusionary Zoning, back to the Planning Board for further study. Article 24 was referred back to the Planning Board by Town Meeting on 6/2/14.

- Small House Development (Planning Board) – Article 26, Annual 2014 Town Meeting – to amend Section 3.3, Articles 5 and 12 in order to define a Small House, establish distinct dimensional and permitting regulations for Small Houses in the General Residence (R-G) and Village Center Residence (R-VC) districts. Referred back to the Planning Board by Town Meeting on 5/12/14, at the Board's request.
- Supplemental Dwellings (Planning Board) – Article 28, Annual 2014 Town Meeting – to amend Section 5.011 and 3.3241 to recognize and regulate two categories of accessory supplemental apartments and one category of free-standing supplemental dwellings, to create differential regulations for these accessory residential uses in different residential zoning districts, to amend existing general requirements for these uses, and to acknowledge and regulate free-standing supplemental dwellings created through the conversion of existing non-residential outbuildings. Adopted by Town Meeting on 5/14/14.
- Two other Zoning Amendments were submitted by citizen's petition for consideration at the June 2, 2014, Special Town Meeting, one having to do with the Municipal Parking District and one having to do with Affordable Housing. The Planning Board did not have sufficient time in which to hold a public hearing on these two proposed amendments and therefore did not have a recommendation for Town Meeting. The amendments were considered by Town Meeting on June 2, 2014, and Town Meeting voted to dismiss both articles.

### **Zoning Workshop**

On October 30, 2013 the Planning Board held a joint meeting with the Town Meeting Coordinating Committee to present an Overview of Zoning and a Presentation of Zoning Articles with a question and answer period about both, to help Town Meeting members to better understand zoning and the zoning amendments that were presented to Town Meeting.

### **Community Forum**

On Saturday, March 1, 2014, the Planning Board and Planning Department staff participated in a community forum with property owners and residents of the Atkins Corner village neighborhood, citizens of Amherst and members of the public to present and discuss the proposed rezoning plan for the Atkins Corner Village Center. Included in the forum was a walking tour of the village and a meeting at Franklin Patterson Hall, Hampshire College.

### **MASTER/COMMUNITY PLANNING**

Efforts continued on a number of long-range planning issues, while new issues and projects also involved the time and attention of the Planning Board and Planning Department.

### **Housing Market Study**

During FY 14 the Planning Department and the Planning Board worked with the Housing and Sheltering Committee and consultants, RKG Associates, Inc., to complete a Housing Market Study that analyzed the need for market rate housing in Amherst and give recommendations on how to meet the housing needs.

On July 17, 2013, the Planning Board held a discussion about the draft Housing Market Study that was presented on June 18<sup>th</sup> to a joint meeting of the Planning Board and Housing and Sheltering Committee.

On December 12, 2013, the Planning Board held a joint meeting with the Housing and Sheltering Committee to hear a presentation by RKG Associates of the final Housing Market Study.

### **Residential Rental Registration**

With assistance from Planning staff, preparations for implementation of the Residential Rental Property Bylaw were undertaken in the summer and fall of 2014 by Inspections Services staff and new staff hired using funds appropriated by the 2013 Annual Town Meeting. They were assisted in this by a Rental Bylaw Implementation Group consisting of selected citizen members of the former Safe and Healthy Neighborhoods Working Group. Following community outreach, registration of rental properties was begun in January 2015, and achieved 100% compliance (registration) before the end of the fiscal year.

As had been anticipated, the process of requiring registration of rental properties revealed numerous properties that were non-conforming in terms of zoning and/or building and safety codes. Enforcement actions were undertaken, and many properties applied for Special Permits to come into compliance with zoning requirements. This temporarily but significantly increased the work load for Planning staff (processing permit applications and administering the permit process) and the Zoning Board of Appeals (conducting public hearings and rendering decisions). The end result, however, is that Amherst's rental housing stock is profoundly better understood and its condition and safety are better assured.

### **Community Development (CDBG Grant Program)**

In FY 2014 the Town of Amherst lost its mini-entitlement status and thus became ineligible for CDBG Grant funding as a mini-entitlement community. The Town was able to obtain \$450,000 in transitional funds from DHCD that were used to support the rehabilitation of the Ann Whalen apartments at the Amherst Housing Authority (AHA), the construction of a sidewalk along South East Street that connects Colonial Village with East Village Center, and \$90,000 for the operation of Craig's Place seasonal shelter. In addition to the administration of the CDBG funds, staff also oversaw the allocation of emergency funds to Amherst residents for housing and utility costs. The funds were often used as a match to other limited resources to keep families and individuals in this community.

### **Disability Access Advisory Committee**

The Disability Access Advisory Committee (DAAC) continued to review projects and provide advisory opinions and recommendations to the Massachusetts Architectural Access Board (AAB) for applications requesting waivers from compliance with accessibility standards. The Planning Department provides staff liaison to this committee, which also reviews applications for Site Plan Review and Special Permits that involve public access. Through the staff liaison, Nathaniel Malloy, the DAAC makes recommendations to the Planning Board and Zoning Board of Appeals.

### **Open Space and Recreation Plan (OSRP)**

Town staff and boards and committees continued to use the Town's Open Space and Recreation Plan (OSRP) to support grant applications for water supply protection, land conservation, and expansion and improvements to the Town's recreational facilities, in particular the LAND and PARC grant programs. The Plan is used in conjunction with the Master Plan to help determine areas most appropriate for land conservation and development, and helps guide zoning and other land-use policies. The OSRP is valid from 2009-2016, at which time it will need to be updated.

### **Historic Preservation**

The Historical Commission and Dickinson Local Historic District worked concurrently throughout FY 14 to help preserve various aspects of Amherst. The Historical Commission used CPA funds to restore the decorative fence of the Dickinson Family plot in West Cemetery and began the process of restoring the Town Tomb in West Cemetery by selecting a contractor to reset the granite stones and secure the door. The Town was awarded a \$20,000 grant from the Massachusetts Historical Commission (MHC) and hired two architects to survey and inventory approximately 120 outbuildings—barns, carriage houses, workshops—that would be added to the Massachusetts Cultural Resource Information System (MACRIS) database maintained by MHC.

The Dickinson Local Historic District began reviewing applications and held six public hearings for projects ranging from whole house renovations to the installation of signs and fences. The commission invited guest speakers knowledgeable in architecture, preservation and/or local history to provide informal trainings and educational information to help the commission implement the Local Historic District Bylaw.

### **Downtown**

In FY 14, the Planning Department continued to pursue downtown revitalization projects involving such issues as parking, public open space, historical issues, and public infrastructure projects.

The multi-year streetscape redesign and reconstruction of downtown sidewalks continued. The Planning Department assisted the Department of Public Works with development of designs for new sidewalk improvements in the downtown area. The Department was heavily involved in development of an

application for funding from the MassWorks program for burying overhead utility lines in the north end of the downtown.

The Department worked with the Tree Warden, Public Shade Tree Committee and others on downtown street tree issues and the development of designs for streetscape improvements in other areas.

## **Housing**

The Planning Department assisted the Housing and Sheltering Committee (HSC), Amherst Housing Authority (AHA), and the Community Preservation Act Committee with analysis and development of projects to protect existing affordable housing and provide for the creation of new affordable units. The HSC continued to review plans and CPA proposals for the development of affordable units of rental housing, as well as support the study of historic preservation and adaptive reuse of the Hawthorne property for affordable housing.

The Select Board had appointed the Housing and Sheltering Committee as a new committee in April 2012, with one representative from the former HP/FH Committee and one representative from the former Homelessness Committee. Planning Department staff continued to support the work at the Hawthorne property at 235 East Pleasant Street, and other housing projects in town. On June 13, opening ceremonies were held for the affordable housing project at Olympia Oaks, a project over 25 years in development. The 2014 Annual Town Meeting appropriated \$1.25 million in support of a project to renovate the Rolling Green Apartments complex in concert with Boston development firm Beacon Communities, preserving 41 low-income affordable units in the process. In February, the Town had applied for \$750,000 in CDBG funds to support the Rolling Green project.

Senior Planner Nathaniel Malloy provided principal grant writing support for numerous projects. He also served as liaison to the Housing and Sheltering Committee (HSC), assisting them with the development of a management plan and an action plan. Many of the committee members were new to housing issues and the general workings of town, such that many of the first meetings were filled with trainings about CPA, CDBG, and the housing needs of the community.

Planning staff and the Planning Board's Zoning Subcommittee continued to research and further develop amendments to the Zoning Bylaw to encourage affordability in new residential development. See Zoning Amendments.

## **Rail Service in Amherst**

Planning Department staff continued working on ensuring future rail access for Amherst in FY 14. The Department worked with the Central Corridor Coalition, the Central Corridor Working Group (a steering committee of the Coalition), the Pioneer Valley Regional Planning Commission, representatives of MassDOT, Planning Board members, and representatives of local MA communities to promote the improvement of the Central Corridor (the New England Central Railroad (NECR) line) to provide rail passenger access connecting Amherst with communities and institutions in western Massachusetts, Connecticut, and Vermont and, via a connecting rail stop at Palmer, with eastern Massachusetts and Boston.

Planning Department staff participated in meetings and public events in MA and CT in support of the Central Corridor project. Staff also helped to draft and coordinated letters of support from Amherst for federal rail transportation grants applied for by NECR, and coordinated efforts to include the Central Corridor as a regional transportation priority for the Pioneer Valley Planning Commission.

## **Office of Conservation and Development**

During FY 14 the Office of Conservation and Development continued to further integrate staff and functions of the Planning and Zoning, Conservation, Inspections Services, and Community Development departments into a single integrated Department. The functional area expanded with the addition of new staff to assist with management of the residential rental registration and permitting program.

The Office of Conservation and Development has evolved into a well-coordinated and efficient source of information and service for citizens, business owners, and potential applicants.

## **Fees**

During the spring of 2014 the Planning Board reviewed and revised its application fees for all Planning Board applications, including Site Plan Review, Special Permits, Subdivision Plans and ANR's (Approval Not Required).

## **STAFF ASSISTANCE/PARTICIPATION**

### **Internal Staff Working Groups**

During FY 14, Planning Department staff participated in the following internal staff working groups, among others:

- ❖ Development Group
- ❖ Planning-Zoning Group
- ❖ MUNIS Working Group
- ❖ Land Use Group (LUG)

### **Boards and Committees**

Planning Department staff provided professional support and technical assistance to numerous Town boards and committees, local and regional boards, as well as Amherst citizens, community groups, other communities, and others. The Town boards and committees directly served by the Planning Department staff in FY 14 included:

- ❖ Planning Board (25 meetings)
- ❖ Zoning Subcommittee (28 meetings)
- ❖ Design Review Board (10 meetings)
- ❖ Zoning Board of Appeals (44 meetings)
- ❖ Historical Commission (8 meetings)
- ❖ Disabilities Access Advisory Committee (7 meetings)
- ❖ Redevelopment Authority (0 meetings)
- ❖ Housing and Sheltering Committee, established April 2012 (replaced the Housing Partnership/Fair Housing Committee) (14 meetings)
- ❖ Community Development Block Grant Advisory Committee (8 meetings)
- ❖ Dickinson Local Historic District Commission (9 meetings)

Other committees or bodies for whom the Planning Department provided more occasional assistance in FY 14 include:

- ❖ Finance Committee
- ❖ Select Board
- ❖ Community Preservation Act Committee
- ❖ Public Shade Tree Committee
- ❖ Pioneer Valley Planning Commission



- ❖ Valley Development Council (PVPC-sponsored body)
- ❖ Joint Transportation Committee (PVPC-sponsored body)
- ❖ Sustainable Knowledge Corridor Transit-Oriented Development Advisory Group (PVPC-sponsored body)
- ❖ Amherst Regional Chamber of Commerce
- ❖ Amherst BID (Business Improvement District)
- ❖ Transportation Plan Task Force

### **PLANNING BOARD MEMBERSHIP**

During FY 14, the Planning Board had nine (9) members: David Webber (Chair), Bruce Carson (Clerk), Stephen Schreiber, Richard Roznoy, Robert Crowner, Sandra Anderson, Connie Kruger and Kathleen Ford. Ms. Kruger was elected as a Select Board member in the spring of 2014 and thereafter the Planning Board operated with only eight (8) members until the end of FY 14.

### **PLANNING DEPARTMENT STAFF**

Jonathan Tucker, Planning Director, completed his 29<sup>th</sup> year with the Department and continued to provide principal staff support to the Planning Board, Zoning Subcommittee, Town/Commercial Relations Committee, and Redevelopment Authority, as well as overseeing all activities within the Planning Department.

Christine Brestrup, Senior Planner, completed her 11<sup>th</sup> year with the Department and continued to provide staff support to the Planning Board, principal staff support to the Design Review Board and worked on various other Planning Department activities.

Jeffrey Bagg, Senior Planner, completed his 6<sup>th</sup> year with the Department and continued to provide principal staff support to the Zoning Board of Appeals. He worked on various other Planning Department activities, including Zoning Bylaw revisions and continued to enhance available online resources, integrated electronic transmittals into the review process and provided ZBA members with additional training.

Nathaniel Malloy, Senior Planner, completed his 6<sup>th</sup> year with the Department, providing principal support for conservation and planning grants, including the CDBG Mini-entitlement funds. He continued to support the DAAC, Historical Commission, Dickinson Local Historic District Commission, Housing and Sheltering Committee and CDBG Advisory Committee. Mr. Malloy was promoted to the position of Senior Planner in 2014.

Ruth Taylor, formerly Administrative Assistant to Roy Rosenblatt, Director of Community Development Department, who had retired in FY 12, completed her first year with the Department and continued to serve as support staff to the Planning Department.

*David Webber*  
Chair, Planning Board

*Jonathan Tucker*  
Planning Director

*Stephen Schreiber*  
Vice-chair, Planning Board